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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,132	10/04/2004	Tsutomu Furuzono	1035-530	6831
23117	7590	09/25/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			MILLER, DANIEL H	
			ART UNIT	PAPER NUMBER
			1775	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/510,132	Applicant(s) FURUZONO ET AL.	
	Examiner Daniel Miller	Art Unit 1775	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/04/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 10-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/13/2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 6 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2001-141905.
4. JP'905 teaches a titanium oxide complex comprising a polymer base material having an active group where the titanium oxide can be functionalized [0012]. The Titanium oxide film is heated (preferably 1-4 hours), which causes bonding to the polymer-based material to the titanium oxide complex [0005, 0014]. The titanium oxide compound is hydrolyzed, forming hydroxyl group [0011]. The above-mentioned heating steps inherently bond the titanium oxide to the polymer base material. Regarding claim 4, the hydrolyzed titanium nitride complex would inherently be capable of reacting with photoreactive group.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001-141905 in view of Furozono (Mater. Sci. Letter 22, 2003, 1737-1740).

7. JP'905, discussed above, is silent as to the use of the material as a medical device.

8. Furozono teaches that titanium oxide particles are not toxic to the body and are non-carcinogenic (see document generally).

9. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use the material of JP'905 containing titanium oxide in a medical device because of its non-toxic nature.

10. Claims 3, 5 and 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001-141905 in view of Furozono (13th meeting J.S.B.P.).

11. JP'905, discussed above, is silent as to the use of the material as a medical device or the polymer being either silicone rubber or silkfibroin.

12. Furozono teaches a medical device comprising chemically bound titanium oxide particle to a polymer-based material comprising silicone rubber and silkfibroin (see abstract).

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13. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use the polymer based material of Furozono in JP'905 containing titanium oxide because JP'905 contemplates any silicone substrate.

14. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001-141905.

15. JP'905, discussed above, is silent as to the use of amido groups or alcoxysilyl or isocyanate groups however the reference contemplates a wide variety of composite materials with a titanium oxide article film and silicon containing polymer-based material chemically bound (see disclosure [0006, 0007, 0010]). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use a variety of linkages including those claimed by applicant.

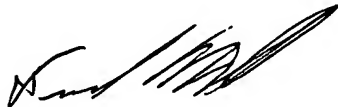
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Miller whose telephone number is (571) 272-1534. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on (571) 272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel Miller



JENNIFER C. MCNEIL
SUPERVISORY PATENT EXAMINER

9/15/06